

SUPREME COURT OF ILLINOIS

TUESDAY, NOVEMBER 20, 2007

THE COURT MADE THE FOLLOWING ANNOUNCEMENTS:

MISCELLANEOUS RECORD

M.R.20886 - In re: Stephen Joseph Broussard. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the Hearing Board's order of summary judgment is allowed. The motion of Stephen Joseph Broussard for restoration to active status pursuant to Supreme Court Rule 759 is denied.

Order entered by the Court.

M.R.21845 - In re: Hope Freeman Keefe. Disciplinary Commission.

The motion by Hope Freeman Keefe to strike her name from the roll of attorneys licensed to practice law in Illinois pursuant to Supreme Court Rule 762(a) is allowed, effective immediately.

Order entered by the Court.

M.R.21851 - In re: G. M. Roberts. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board is allowed, and respondent G. M. Roberts is disbarred.

Order entered by the Court.

M.R.21852 - In re: Michael Aaron Tepper. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed. Respondent Michael Aaron Tepper is suspended from the practice of law for six (6) months, with the suspension stayed after the first sixty (60) days by a one (1) year period of probation subject to the following conditions:

- a. During the period of probation, respondent shall enroll in and successfully complete the professionalism seminar of the Illinois Institute of Professional Responsibility;
- b. Respondent shall establish and utilize a system for the handling of funds belonging to clients and third parties and the maintenance of records that conforms to the requirements of Rule 1.15 of the Illinois Rules of Professional Conduct and instructions provided to respondent by the Administrator, including:

#### Trust Account Procedures

Basic accounting records that must be maintained daily and accurately:

Account Check Register - List sequentially all trust account deposits and trust account checks and maintain a current and accurate daily balance on the trust account.

Account Receipts Journal - List chronologically all deposits into the trust account. Each deposit will list the date of the deposit, the source of each deposit, the client matter, the deposit number and the amount of the deposit. Maintain a copy of each item deposited.

Account Disbursement Journal - List chronologically all trust account disbursements. Identify each disbursement with the date of the disbursement check, the trust account check number, the payee, the purpose of the disbursement, the client matter and the amount of the disbursement check.

Client Ledger Journal - List chronologically for each client matter all receipts, disbursements and remaining balances. Prepare a separate page for each client matter and list chronologically all receipts and disbursements and remaining balances for each client matter.

Source documents which must be preserved for seven (7) years:

Bank statements

Deposit slips

Cancelled checks - All trust account checks must have a named payee (no checks written to "cash") and the memo portion of the check must contain a reference to a client matter.

#### Time and billing records

Copies of records from client files that are necessary for a full understanding of the lawyer's financial transactions with the client: e.g., retainer and engagement agreements; settlement statements to clients showing the disbursement of the settlement proceeds; bills sent to clients and records of payments to other lawyers or non-employees for services rendered.

#### Reconciliation

There must be a running balance maintained for all ledgers and account books. The balances in the client ledger journal must be reconciled each month with the balances in the trust receipts and disbursement journals, the account checkbook register and the bank statements. Records of each reconciliation must be maintained for seven (7) years.

c. During the period of probation, respondent shall meet with counsel for the Administrator on at least a quarterly basis and shall provide the Administrator with any and all documentation and records requested in order to verify his compliance with Condition (b);

d. Respondent shall notify the Administrator within fourteen (14) days of any change of address;

e. Respondent shall comply with the Illinois Rules of Professional Conduct and shall timely cooperate with the Administrator in providing information regarding any investigations relating to his conduct;

f. Respondent shall reimburse the Commission for the costs of this proceeding as defined in Supreme Court Rule 773 and shall reimburse the Commission for any further costs incurred during the period of probation;

g. At least thirty (30) days prior to the termination of the period of probation, respondent shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct; and

h. Probation shall be revoked if respondent is found to have violated any of the terms of probation. The remainder of the six (6) month suspension shall commence from the date of the determination that any term of probation has been violated.

Suspension effective December 11, 2007.

Order entered by the Court.

M.R.21856 - In re: Charles Augustus Conner, Jr. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission for leave to file exceptions to the report and recommendation of the Review Board is denied. As recommended by the Review Board, the charges against respondent Charles Augustus Conner, Jr. are dismissed.

Order entered by the Court.

M.R.21857 - In re: John Francis Brennan. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed, and respondent John Francis Brennan is suspended from the practice of law for two (2) years and until further order of the Court.

Order entered by the Court.

M.R.21871 - In re: Michael J. Hagerty. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed, and respondent Michael J. Hagerty is suspended from the practice of law for ninety (90) days.

Suspension effective December 11, 2007.

Respondent Michael J. Hagerty shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension.

Order entered by the Court.

M.R.21872 - In re: Paul Douglas Brown. Disciplinary Commission.

The motion by respondent Paul Douglas Brown to dismiss the petition for reciprocal discipline, or, in the alternative, request for a hearing is denied.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose reciprocal discipline pursuant to Supreme Court Rule 763 is allowed, and respondent Paul Douglas Brown, who has been disciplined in the State of Missouri, is reprimanded in the State of Illinois.

Orders entered by the Court.

M.R.21873 - In re: Michael L. Fifer. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose reciprocal discipline pursuant to Supreme Court Rule 763 is allowed, and respondent Michael L. Fifer, who has been disciplined in the State of Michigan, is disbarred in the State of Illinois.

Order entered by the Court.

M.R.21876 - In re: Kimberly A. Norton. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is denied.

Order entered by the Court.

M.R.21878 - In re: John Alan Roth. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed, and respondent John Alan Roth is suspended from the practice of law for thirty (30) months and until further order of the Court.

Order entered by the Court.

M.R.21879 - In re: Robert Lee Merriwether Jr. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed. Respondent Robert Lee Merriwether Jr. is suspended from the practice of law for two (2) years and until restitution of \$9,469.25 is made to William and Linda Mixon.

Suspension effective December 11, 2007.

Respondent Robert Lee Merriwether Jr. shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension.

Order entered by the Court.

M.R.21889 - In re: Steven Sam Koukios. Disciplinary Commission.

The motion by the Administrator of the Attorney Registration and Disciplinary Commission to approve and confirm the report and recommendation of the Hearing Board is allowed, and respondent Steven Sam Koukios is censured.

Order entered by the Court.

M.R.21895 - In re: Thomas Joel Manning. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose reciprocal discipline pursuant to Supreme Court Rule 763 is allowed, and respondent Thomas Joel Manning, who has been disciplined in the State of Ohio, is suspended in the State of Illinois for two (2) years, subject to the same conditions imposed by the Supreme Court of Ohio.

Suspension effective December 11, 2007.

Respondent Thomas Joel Manning shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension.

Order entered by the Court.

M.R.21910 - In re: Angayurkanni Annamalai. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose reciprocal discipline pursuant to Supreme Court Rule 763 is allowed, and respondent Angayurkanni Annamalai, who has been disciplined in the State of Missouri, is suspended from the practice of law in the State of Illinois for two (2) years and until she is reinstated to the practice of law in the State of Missouri.

The motion by respondent Angayurkanni Annamalai for concurrent suspension is denied.

Respondent Angayurkanni Annamalai shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from her conduct prior to the termination of the period of suspension.

Orders entered by the Court.

M.R.21911 - In re: Jonathan Taylor Green. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed, and respondent Jonathan Taylor Green is suspended from the practice of law for two (2) years and until further order of the Court.

Order entered by the Court.

M.R.21924 - In re: Theresa Lea Jones. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is denied.

Order entered by the Court.

M.R.21925 - In re: Robert Gerald Foster. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed, and respondent Robert Gerald Foster is suspended from the practice of law for ninety (90) days.

Suspension effective December 11, 2007.

Respondent Robert Gerald Foster shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension.

Order entered by the Court.



M.R.21926 - In re: Bradley Edward Prendergast. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed. Respondent Bradley Edward Prendergast is suspended from the practice of law for one (1) year, with the suspension stayed after ninety (90) days by a one (1) year period of probation subject to the following conditions:

a. Respondent shall, within the first thirty (30) days of probation, enroll in the Chicago Bar Association's Law Practice Management Program, and be mentored by a lawyer-member(s) of the Chicago Bar Association's Lawyers' Management Assistance Committee during the period of probation;

b. Respondent shall, upon enrollment in the Law Practice Management Program, notify the Administrator, in writing, of the name of the attorney(s) with whom respondent is assigned to work;

c. Respondent shall continue to participate in the Law Practice Management Program throughout the probation term;

d. Respondent shall authorize the attorney(s) assigned to work with him in the Law Practice Management Program to:

1. Disclose to the Administrator on a quarterly basis, by way of signed reports, information pertaining to the nature of respondent's compliance with the Law Practice Management Program;

2. Promptly report to the Administrator respondent's failure to comply with any part of the Law Practice Management Program;

3. Respond to any inquiries by the Administrator regarding respondent's compliance with the Law Practice Management Program;

e. Respondent shall attend meetings scheduled by the Commission probation officer as requested by the Administrator. Respondent shall submit quarterly written reports to the Administrator concerning the status of his practice of law and the nature and extent of his compliance with the conditions of probation;

f. Respondent shall establish and utilize a system for handling funds belonging to clients and third parties that conforms to the requirements of Rule 1.15 of the Illinois Rules of Professional Conduct including:

Trust Account Procedures: Basic accounting records that must be maintained daily and accurately.

Account Check Register: List sequentially all trust account deposits and trust account checks and maintain a current and accurate daily balance on the trust account.

Account Receipts Journal: List chronologically all deposits into the trust account. Each deposit will list the date of the deposit, the source of the deposit, the client matter, the deposit number, and the amount of the deposit. Maintain a copy of each item deposited.

Account Disbursement Journal: List chronologically all trust account disbursements. Identify each disbursement with the date of the disbursement check, the trust account check number, the payee, the purpose of the disbursement, the client matter, and the amount of the disbursement check.

Client Ledger Journal: List chronologically for each client matter all receipts, disbursements, and remaining balances. Prepare a separate page for each client matter and list chronologically all receipts and disbursements and remaining balances for each client matter.

Source documents which must be preserved for seven (7) years:

Bank statements

Deposit slips

Cancelled checks. All trust account checks must have a named payee (no checks written to "cash") and the memo portion of the check must contain a reference to a client matter.

Time and Billing Records: Copies of records from client files that are necessary for a full understanding of the lawyer's financial transactions with the client: e.g., retainer and engagement agreements, settlement statements to clients showing the disbursement of the settlement proceeds, bills sent to clients and records of payments to other lawyers or non-employees for services rendered.

Reconciliations: There must be a running balance maintained for all ledgers and account books. The balances in the client ledger journal must be reconciled each month with the balances in the trust receipts and disbursement journals, the account checkbook register, and the bank statements. Records of these reconciliations must be maintained for seven (7) years.

g. Respondent shall comply with the Illinois Rules of Professional Conduct and shall timely cooperate with the Administrator in providing information regarding any investigations relating to his conduct;

h. Respondent shall notify the Administrator within fourteen (14) days of any change of address; and

i. Probation shall be revoked if respondent is found to have violated any of the terms of probation. The remaining nine (9) month period of suspension shall commence from the date of the determination that any term of probation has been violated.

Suspension effective December 11, 2007.

Respondent Bradley Edward Prendergast shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension/probation.

Order entered by the Court.

M.R.21954 - In re: Herbert Arthur Bates. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed. Respondent Herbert Arthur Bates is suspended from the practice of law for one (1) year and until payment of \$17,000 to Elke Dingle Kenyon, with the suspension stayed after the first six (6) months provided that payment has been made to Kenyon, by a two (2) year period of probation subject to the following conditions:

a. Respondent shall comply with the Illinois Rules of Professional Conduct and shall timely cooperate with the Administrator in providing information regarding any investigations relating to his conduct;

b. Respondent shall take at least ten (10) hours of continuing legal education courses in the area of Illinois civil practice and procedure, such classes to be approved by the Administrator;

c. Respondent shall, at the commencement of the probationary period, obtain a mentor, through the Cook County Bar Association law office management program, who will monitor his cases for compliance with all requirements of the Rules of the Illinois Supreme Court, Rules of Professional Conduct, and the Code of Civil Procedure, and he shall notify the Administrator, in writing, of the name, address, and telephone number of the attorney with whom respondent is assigned to work.

1. Through his participation in the program, respondent shall establish and utilize the following:

(a) A system for maintaining records as required by Supreme Court Rule 769;

(b) A diary and docketing system in accordance with the requirements established by the program, including a mechanism by which approaching statutes of limitations are noted;

(c) A system by which telephone messages are recorded and telephone calls are returned in a timely manner;

(d) A system by which written requests by clients for the status of their legal matters are responded to, either orally or in writing, in a timely manner;

(e) A system by which clients are provided with itemized, quarterly billing statements setting forth the services performed by respondent, the date upon which each service was performed, the time spent by respondent on each service, and the amount to be charged to the client; and

(f) A system which is established for the handling of funds belonging to clients and third parties and which conforms to the requirements of Rule 1.15 of the Illinois Rules of Professional Conduct.

2. Respondent shall authorize the attorney who is his mentor in the program to:

(a) Disclose to the Administrator, on a quarterly basis, by way of signed reports, information pertaining to the nature of respondent's compliance with the program and the conditions described in sub-paragraph 1 of paragraph c above;

(b) Promptly report to the Administrator the failure of respondent to comply with any part of the conditions described in sub-paragraph 1 of paragraph c above; and

(c) Respond to any inquiries by the Administrator regarding respondent's compliance with the conditions described in sub-paragraph 1 of paragraph c above.

d. Respondent shall attend meetings scheduled by the Commission probation officer as requested by the Administrator. Respondent shall submit quarterly written reports to the Administrator concerning the status of his practice of law and the nature and extent of his compliance with the conditions of probation;

e. Within the first six (6) month period of his probation, respondent shall attend and complete the course offered by the Illinois Institute of Professional Responsibility;

f. Respondent shall reimburse the Commission for the costs of this proceeding as defined in Supreme Court Rule 773 and shall reimburse the Commission for any further costs incurred during the period of probation;

g. At least thirty (30) days prior to the termination of the period of probation, respondent shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct; and

h. Probation shall be revoked if respondent is found to have violated any of the conditions of probation. The remaining six (6) month period of suspension shall commence on the date his probation is revoked.

Suspension effective December 11, 2007.

Order entered by the Court.

M.R.21973 - In re: Kenneth Harley Fisher and Barry Mathew Fisher. Disciplinary Commission.

The petition by the Administrator of the Attorney Registration and Disciplinary Commission to impose discipline on consent pursuant to Supreme Court Rule 762(b) is allowed. Respondents Kenneth Harley Fisher and Barry Mathew Fisher are suspended from the practice of law for thirty (30) days and until they make payment of \$35,000 in the form of restitution to the Legal Assistance Foundation of Metropolitan Chicago.

Suspensions effective December 11, 2007.

Respondent Kenneth Harley Fisher shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension.

Respondent Barry Mathew Fisher shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension.

Order entered by the Court.